



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,625	12/20/2000	Frank Bor-Her Chen	25164-67462	9358

7590 09/12/2002

BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER

BLANTON, REBECCA A

ART UNIT	PAPER NUMBER
----------	--------------

1762

7

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,625

Applicant(s)

CHEN ET AL.

Examiner

Rebecca A. Blanton

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-39, 41-46 and 48 is/are rejected.
- 7) ☒ Claim(s) 40 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37, 41-44, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Matejka et al. (U.S. 4,517,228).

Matejka et al. disclose a process for coating a fiber mat with a cross-linkable coating prior to heat and pressure treatment, to form a cross-linked coating that provides superior surface finishes upon composition board products (abstract). The reference teaches that a wood composition board is formed by the process of applying the coating to a fibrous mat prior to subjecting the mat to press treatment (column 1 lines 6-11). A thermosetting acrylic resin is included in the coating, taught by Matejka et al., along with crosslinking agents that cause the coating to crosslink and form a surface coating upon a wood composite board without heating, prior to a press treatment (column 5 lines 1-59). The reference discloses that the coating is formed of resins that can be ionically or covalently crosslinked (column 3 lines 26-68 and column 4 lines 1-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1762

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-39, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matejka et al. (U.S. 4,517,228), as applied to claims 37 and 44 above, in view of Mirous et al. (U.S. 5,719,239).

Matejka et al. disclose a process for forming a finishing coat on a wood composite board prior to the heat press treatment, as described above. However, Matejka et al. do not specifically teach the type of wood composite board that is coated with the finishing composition. Mirous et al. teach that wooden construction panels often comprise a layer of paper between the panel and the topcoat to obtain certain visual properties (column 9 lines 30-67 and column 10 lines 1-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a construction panel with a layer of paper between the wooden composite and the topcoat with a finishing treatment upon it, as taught by Matejka et al., in view of the teachings of Mirous et al. that construction boards often have a layer of paper between the composite and the top layer.

Allowable Subject Matter

Claims 40 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1762

The applicant's limitation that the polymer coating is applied to a paper mat during a paper making process distinguishes over Matejka et al. because the reference merely teaches applying the composition to a construction panel to form a wooden composite panel with excellent surface properties.

None of the prior art of record teaches or makes obvious the applicant's claimed invention of forming a crosslinked coating on a paper mat, which is crosslinked prior to a heat press treatment, during a paper making process.

Response to Arguments

Applicant's arguments with respect to claims 37-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca A. Blanton whose telephone number is 703-605-4295. The examiner can normally be reached on M - F (7:30am - 3:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on 703-308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1762

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



MICHAEL BARR
PRIMARY EXAMINER

rab *MB*
September 10, 2002